

(CIRCUIT CHANCERY) COURT OF TENNESSEE  
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHISSHELBY COUNTY SHERIFF'S OFFICE  
201 POPLAR AVENUE  
MEMPHIS, TN 38103

## SUMMONS IN CIVIL ACTION

Docket No. CT-0492-21☒ Lawsuit  
☐ Divorce

Ad Damnum \$ \_\_\_\_\_

Tyrone Robinson  
776 E Dempster Ave  
Memphis TN 38106

VS

Memphis Health Center  
360 East E.H. Blvd  
Memphis TN 38128

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Memphis Health Center Inc  
360 East E.H. Blvd  
Memphis TN 38128

Method of Service:

- ☐
- Certified Mail
- 
- ☒
- Shelby County Sheriff
- 
- ☐
- Commissioner of Insurance (\$)
- 
- ☐
- Secretary of State (\$)
- 
- ☐
- Other TN County Sheriff (\$)
- 
- ☐
- Private Process Server
- 
- ☐
- Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and

serving a copy of your answer to the Complaint on

attorney, whose address is

776 E Dempster Ave  
telephone 901-606-3908 within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master

TESTED AND ISSUED

2/4/21

By

D.C.

TO THE DEFENDANT:

NOTICE: Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, TEMIKA D. GIPSON / W. AARON HALL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

20\_\_

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master

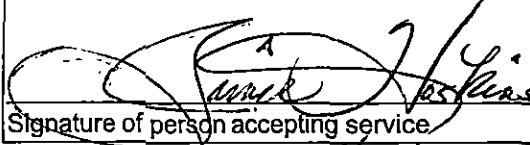
By: \_\_\_\_\_

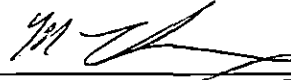
D.C.

Exhibit 3

RETURN OF SERVICE OF SUMMONSI HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the 12<sup>th</sup> day of Feb, 2021 at 0940 M. a copy of the summons  
 and a copy of the Complaint to the following Defendant Memphis Health Center  
 at 360 E. E. H. Crump

  
 Signature of person accepting service

By:  9001  
 Sheriff or other authorized person to serve process

Janice Hoskins, RHIA

RETURN OF NON-SERVICE OF SUMMONSI HEREBY CERTIFY THAT I HAVE NOT SERVED THE WITHIN SUMMONS:


To the named Defendant \_\_\_\_\_

because \_\_\_\_\_ is (are) not to be found in this County after diligent search and inquiry for the following  
 reason(s): \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
 Sheriff or other authorized person to serve process

In the Circuit Court  
Shelby County Circuit Court  
Memphis, Tenn. 38103

**FILED**  
FEB 04 2021  
CIRCUIT COURT CLERK  
BY  D.C.

**COMPLAINT**  
~~PETITION~~

**FOR MEDICAL NEGLIGENCE CAUSING DEATH**

In the interest of  
Robinson, Tyrone and siblings  
(On Behalf of their mother late Jeter, Rosie)

CT- 0492-21  
DV VIII

Defendant: Memphis Health Center Inc.  
360 East. E.H. Blvd Memphis, TN 38126.

1. On February 19, 2020, Mrs. Rosie Jeter cause of death:  
Metastatic Adenocarcinoma (Stage 4. Stomach Cancer); Metabolic Encephalopathy (problem in the brain); Cardiopulmonary Arrest (heart attack/cardiac arrest); Hypercalcemia (calcium level in the blood are above normal) with presenting symptoms of increase thirst and urination, belly pain, nausea, bone pain, muscle weakness, confusion and fatigue, going untreated can cause kidney failure and death, which there were medical neglect at Memphis Health Center, where she was a patient for over 50 years, and at time of death she was under the primary care of Robin Brown, Nurse Practitioner.
2. As a direct result of defendants' negligence, Ms. Jeter suffered for many years of pain which appropriate testing and treatment could have prevent the long-standing suffering until her death on February 19, 2020.
3. On 02/12/2020, Ms. Rosie Jeter DOB 02/12/1945, present to Methodist LeBonheur University Emergency Department under the care of Dr. Michael Womack, MD with back pains, vomiting and severe headache. Ms. Jeter is a 75-year-old female with a past medical history of

Hypertension, Diabetes and Anxiety. She presents to the ED with complaints of diffuse, aching/severe back pain, anorexia and nonbilious non bloody vomiting for the last week. She has loss of appetite and about a 10 pounds weight loss in the past 1-2 weeks. She denied injury, fever, chill, diarrhea, shortness of breath and or chest pain. A C.T Scan showed evidence of diffuse hepatic metastasis of unknown primary source but with the stomach findings suspicious for possible undiagnosed gastric malignancy (Stage 4. Stomach cancer).

Discharged diagnoses on 02/14/2020:

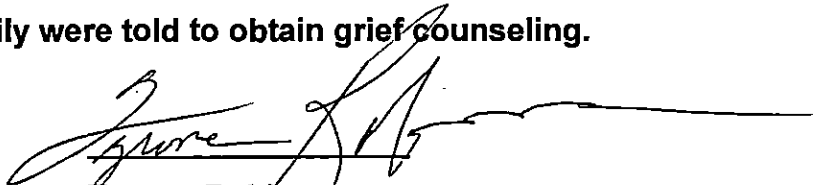
Disseminated malignancy or unknown primary; Acute Kidney injury; Moderate malnutrition; Elevated liver functions; Liver Metastases; Back pain; Nausea and vomiting; Lactic acidosis; Hypercalcemia; Diabetes; Hypertension: Leukocytosis; Other general symptoms and signs; Peritoneal carcinomatosis; Ovarian Mass, right, etiology unclear.

4. After conditions did not improve, Ms. Jeter presented back to the Emergency room on 02/17/2020. Metastatic adenocarcinoma confirmed by the biopsy; Discussed with son Tyrone Robinson, who was the bedside, that due to her poor liver performance status, she was not a candidate for therapy. At this time the family were called in as she past away on 02/19/2020.

5. On 12/07/2017, Ms. Rosie Jeter, presented to her primary physician complaints of nausea, vomiting, headaches and weight loss.

6. On 07/26/2018, Memphis Health Center did a review of systems in details stating that Mrs. Rosie Jeter had chills, fatigue, fever, malaise, night sweats, weight gain and weight loss, chest pain, claudication, edema and irregular heart beat/palpitations, abdominal pain, blood in stool with a change in stool patterns, constipation, decrease in appetite, diarrhea, heartburn, nausea and vomiting, Anxiety, depression, feeling down and or hopeless, insomnia, and little interest or pleasure in doing things.

7. In 2019, Family noticed a significant change in her weight. She often complained about stomach aches, back aches, nausea, vomiting, fatigue and weakness. Family major concern that their mother was cheated out of time, quality and pain free years of her life. Ms. Jeter loved going to church, cooking and spending time with her family, friends and church family. She was very active in her family, church and community. In an attempt to gain answers from Memphis Health Center Inc, family were told to obtain grief counseling.



Tyrone Robinson

776 E. Dempster Ave

Memphis, TN 38106

(901) 236-9225

TYRONER 151 @ gmail.com

901 606 3908

776 E. Dempster Ave  
memphis TN 38106

IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

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TYRONE ROBINSON, ET AL.

Plaintiffs,

VS.

No. CT-0492-21  
Division VIII

MEMPHIS HEALTH CENTER, INC.,

Defendant.


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**LIMITED NOTICE OF APPEARANCE**

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Comes now, Robin H. Rasmussen of the law firm of Dinkelspiel, Rasmussen & Mink, PLLC, and hereby enters her limited Notice of Appearance for Defendant, Memphis Health Center, in this matter, for the purpose of filing a motion to extend time to answer.

Respectfully submitted,




Robin H. Rasmussen (16865)  
Dinkelspiel, Rasmussen & Mink, PLLC  
1669 Kirby Parkway, Suite 106  
Memphis, Tennessee 38120  
Phone: (901) 754-7770  
rrasmussen@drmlawmemphis.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served on Tyrone Robinson, via U.S. Mail and e-mail, this 24<sup>th</sup> day of February, 2021.

Tyrone Robinson  
776 East Dempster Avenue  
Memphis, Tennessee 38106

Tyroner151@gmail.com

  
Robin H. Rasmussen

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IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

---

TYRONE ROBINSON, ET AL.

Plaintiffs,

VS.

No. CT-0492-21  
Division VIII

MEMPHIS HEALTH CENTER, INC.,

Defendant.

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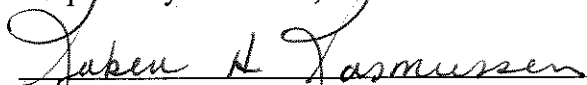
**MOTION FOR EXTENSION OF TIME**

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COMES NOW, the Defendant, Memphis Health Center, Inc. (MHC), by and through Counsel, and respectfully requests an extension of time in which to move, answer, or otherwise respond to the Complaint filed in this matter. For cause, MHC would show the Court that MHC is a federally qualified community health center. As such, medical malpractice claims are defended by the United States Department of Health and Human Services. MHC has notified the United States Department of Health and Human Services the of this suit and requested defense.

WHEREFORE, premises considered, MHC requests and extension of time in which to move, answer or otherwise respond until May 13, 2021.

Respectfully submitted,

  
Robin H. Rasmussen (16865)  
Dinkelspiel, Rasmussen & Mink, PLLC  
1669 Kirby Parkway, Suite 106  
Memphis, Tennessee 38120  
Phone: (901) 754-7770  
rrasmussen@drmlawmemphis.com

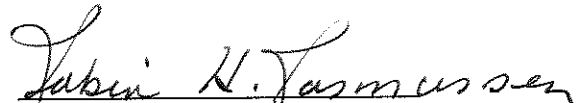


**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served on Tyrone Robinson, via U.S. Mail and e-mail, this 24<sup>th</sup> day of February, 2021.

Tyrone Robinson  
776 East Dempster Avenue  
Memphis, Tennessee 38106

Tyroner151@gmail.com

  
Robin H. Rasmussen

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IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

---

TYRONE ROBINSON, ET AL.

Plaintiffs,

VS.

No. CT-0492-21  
Division VIII

MEMPHIS HEALTH CENTER, INC.,

Defendant.

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**NOTICE OF HEARING**

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COMES NOW, the Defendant, Memphis Health Center, Inc., by and through the undersigned counsel, and gives notice that the hearing on its Motion for Extension of Time will be heard on Friday, March 5, 2021 at 9:00 a.m. in Division VIII of the Shelby County Circuit Court via Zoom. The Zoom instructions are as follows:

Meeting ID: 683 035 1912

Password: Weiss

<https://tncourts-gov.zoom.us/j/6830351912?pwd=NEdvN21JaVZmU0UvZXNWZHRLT0RjZz09>

Respectfully submitted,



---

Robin H. Rasmussen (16865)  
Dinkelspiel, Rasmussen & Mink, PLLC  
1669 Kirby Parkway, Suite 106  
Memphis, Tennessee 38120  
Phone: (901) 754-7770  
rrasmussen@drmlawmemphis.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served on Tyrone Robinson, via U.S. Mail and e-mail, this 24<sup>th</sup> day of February, 2021.

Tyrone Robinson  
776 East Dempster Avenue  
Memphis, Tennessee 38106

Tyroner151@gmail.com

  
Robin H. Rasmussen

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IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

FILED  
MAR 10 2021  
CIRCUIT CLERK  
BY A. Well D.C.

TYRONE ROBINSON, ET AL.

Plaintiffs,

VS.

No. CT-0492-21  
Division VIII


MEMPHIS HEALTH CENTER, INC.,

Defendant.


**ORDER ON MOTION FOR EXTENSION OF TIME**

CAME the Defendant, Memphis Health Center, Inc., by and through counsel, and moved the Court for an extension of time to move, respond or otherwise plead to the Complaint. Proper notice having being given, and the attendance by all parties, the Court, after consideration of argument of counsel, and the record as a whole finds that the Motion is well taken and should be granted.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED that the Motion is granted. In addition, the Court sets this matter for a status conference on April 14, 2021 at 10:00a.m. by Zoom hearing.

  
\_\_\_\_\_  
Circuit Court Judge  
Date: 3/10/21

APPROVED AS TO FORM:

  
Robin H Rasmussen (016865)  
DINKELSPIEL, RASMUSSEN & MINK, PLLC  
1669 Kirby Parkway, Suite 106  
Memphis, TN 38120  
(901) 754-7770  
[rasmussen@drmlawmemphis.com](mailto:rasmussen@drmlawmemphis.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served on Tyrone Robinson, via U.S. Mail and e-mail, Melanie Dunlap and M. Jason Martin, via email, this 5<sup>th</sup> day of March, 2021.

Tyrone Robinson  
776 East Dempster Avenue  
Memphis, Tennessee 38106  
[Tyrone151@gmail.com](mailto:Tyrone151@gmail.com)

Melanie R. Dunlap (#22477)  
M. Jason Martin (#27404)  
Assistant United States Attorney  
167 North Main Street, Suite 800  
Memphis, Tennessee 38103  
[Melanie.dunlap@usdoj.gov](mailto:Melanie.dunlap@usdoj.gov)  
[Jason.martin@usdoj.gov](mailto:Jason.martin@usdoj.gov)

/s/ Robin H Rasmussen  
Robin H. Rasmussen

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**IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

---

**TYRONE ROBINSON, et al.**

**Plaintiff**

**vs.**

**Docket No. CT-0492-21  
Division VIII**

**MEMPHIS HEALTH CENTER, INC.,**

**Defendant.**

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**UNITED STATES OF AMERICA'S RESPONSE TO FILING OF ACTION**

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The United States of America ("United States") files this Response to Filing of Action, pursuant to 42 U.S.C. § 233(l)(1), and, in support thereof, would state to the Court as follows:

1. On February 4, 2021, Tyrone Robinson, on behalf of himself, his siblings, and his mother, Rosie Jeter, deceased, ("Plaintiff") filed a complaint alleging negligence on the part of Memphis Health Center, Inc. ("Memphis Health Center").
2. Memphis Health Center notified the U.S. Department of Health and Human Services ("HHS") of this lawsuit on February 22, 2021.
3. Subsequently, on March 1, 2021, HHS notified the United States of Plaintiff's filing. Memphis Health Center took this action, because it believes it qualified as an entity described in 42 U.S.C. § 233(g)(4) receiving federal funds under 42 U.S.C. 254b, which, if so, would trigger the United States' obligation to enter a substitution as the proper defendant.
4. Pursuant to 42 U.S.C. § 233(l)(1), the United States is appearing for the limited purpose of notifying the Court as to whether the Secretary of HHS has advised that Memphis

Health Center has been “deemed” to be an “employee of the Public Health Service” with respect to the actions or omissions that are the subject of this civil action.

5. At present, HHS has not yet advised whether Memphis Health Center has been “deemed” to be an “employee of the Public Health Service” and whether the deemed status of Memphis Health Center extends to the acts or omissions that are the subject of this civil action. *See* 42 U.S.C. § 233(l)(1). *See* 28 C.F.R. § 15.3; *see also* Federally Supported Health Centers Assistance Act of 1992, 60 Fed. Reg. 22530-01, 1995 WL 261773(F.R.) (May 8, 1995).

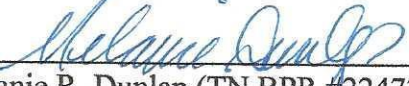
6. Once HHS has completed its review and provided its report, the United States Attorney, as the U.S. Attorney General’s delegate, will determine whether the acts alleged fall within the scope of 42 U.S.C. § 233(a), the applicable provisions of the Federally Supported Health Centers Assistance Act, and were otherwise within the scope of Memphis Health Center’s “deemed” employment. *See* 42 U.S.C. § 233(c); 28 C.F.R. § 15.4(b); 60 Fed. Reg. 22530-01, 1995 WL 261773(F.R.). The United States Attorney has not yet been provided with sufficient information to make that determination. If Memphis Health Center is so determined to have been deemed an employee of the Public Health Service for purposes of the acts or omissions giving rise to this suit, and was acting within the scope of their deemed employment, it is anticipated that this action will be removed to federal court pursuant to 42 U.S.C. § 233(c).



Dated: March 3, 2021

Respectfully submitted,

Joseph C. Murphy, Jr.  
Acting United States Attorney


By:   
Melanie R. Dunlap (TN BPR #22477)  
M. Jason Martin (TN BPR #27404)  
Assistant United States Attorney  
167 N. Main St., Suite 800  
Memphis, Tennessee 38103  
Phone: 901-544-4231  
Fax: 901-544-4230  
melanie.dunlap@usdoj.gov  
jason.martin3@usdoj.gov

**CERTIFICATE OF SERVICE**

I, Melanie R. Dunlap, certify that the foregoing was served by U.S. mail, postage prepaid, on this the 3<sup>rd</sup> day of March 2021, upon the following:

Tyrone Robinson  
776 E. Dempster Ave.  
Memphis, Tennessee 38106  
*Pro se Plaintiff*

Robin H. Rasmussen  
1669 Kirby Parkway, Suite 106  
Memphis, Tennessee 38120  
*Attorney for Defendant Memphis Health Center, Inc.*

  
Melanie R. Dunlap  
Assistant United States Attorney